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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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10 Marcus Mark, ) No. CV-08-757-PHX-DGC (ECV)  
11 Petitioner, ) **ORDER**  
12 vs. )  
13 Joseph M. Arpaio, Sheriff, )  
14 Respondent. )  
15 \_\_\_\_\_ )  
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17 Petitioner Marcus Mark has filed a petition for a writ of habeas corpus and an  
18 application to proceed in forma pauperis. Dkt. ##1, 3. The Court will grant the application  
19 and dismiss the petition as moot.

20 Petitioner challenges his confinement in Maricopa County Jail on charges pending in  
21 the Maricopa County Superior Court in case number CR 2000-010367. Petitioner's sole  
22 ground for relief is that his Sixth and Fourteenth Amendment rights have been violated  
23 because he has not been prosecuted and the charges against him have not been dismissed.  
24 Petitioner requests that the Court dismiss the state charges and order him released. Dkt. #1  
25 at 13.

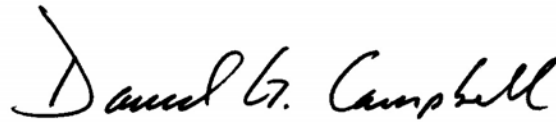
26 A review of the Superior Court criminal docket shows that Plaintiff's case has been  
27 dismissed with prejudice and Plaintiff has been ordered released. *See Arizona v. Mark*,  
28 No. CR 2000-010367, Order of Dismissal dated May 12, 2008 and Minute Entry dated

1 May 21, 2008. The Court accordingly will deny the instant petition as moot.

2 **IT IS ORDERED:**

- 3 1. Petitioner's application to proceed in forma pauperis (Dkt. #3) is **granted**.  
4 2. Petitioner's petition for writ of habeas corpus (Dkt. #1) is **denied** as moot.  
5 3. The Clerk is directed to enter judgment accordingly.

6 DATED this 28th day of May, 2008.

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David G. Campbell  
United States District Judge  
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